

Amendment and Response
Applicant: MacDonald
Serial No.: 10/601,051

Attorney Docket: KEY1017USC1

REMARKS

Claims 1 to 12 have been canceled without prejudice above.

Claims 13 to 29 will be pending after entry of the above amendments.

For the convenience of the Examiner, Applicant's remarks herein are set forth under appropriate subheadings.

Amendments to Specification

The specification has been amended above to include reference to U.S. Patent No. 6,637,981. A substitute page 1 is enclosed.

Claim rejections under 35 U.S.C. § 102

The Examiner rejected claims 1, 3, and 4 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,115,983 (Poignard).

Claims 1, 3, and 4 have been canceled without prejudice above.

Accordingly, this rejection of the claims is rendered moot.

Claim rejections under 35 U.S.C. § 103

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,115,983 (Poignard) in view of U.S. Patent No. 6,024,517 (Castonguay et al.).

Claim 2 has been canceled without prejudice above.

Accordingly, this rejection of the claims is rendered moot.

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The Examiner rejected claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,115,983 (Poignard) in view of U.S. Patent No. 5,161,918 (Hodel).

Claims 5 and 12 have been canceled without prejudice above.

Accordingly, this rejection of the claims is rendered moot.

The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,115,983 (Poignard) as modified by U.S. Patent No. 5,161,918 (Hodel) and further in view of U.S. Patent No. 6,024,517 (Castonguay et al.).

Claim 11 has been canceled without prejudice above.

Accordingly, this rejection of the claims is rendered moot.

Terminal Disclaimer

The Examiner rejected claims 13, 16, 17, and 29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 7 of U.S. Patent No. 6,149,352 (MacDonald).

A Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) is enclosed herewith.

The Examiner rejected claims 1 to 29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 41 of U.S. Patent No. 6,447,213 (MacDonald).

A Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) is enclosed herewith.

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The Examiner rejected claims 1 to 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 to 23 of U.S. Patent No. 6,637,981 (MacDonald).

A Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) is enclosed herewith.

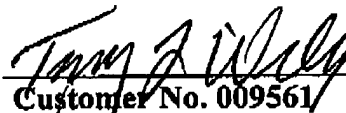
In view of Applicant's remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue is respectfully requested.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: 8/27/04

By



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Replacement page 1

RETAINING WALL BLOCK SYSTEM

This application is a continuation of Application No. 10/219,790, filed August 14, 2002, now U.S. Patent No. 6,637,981 which is a divisional of
5 Application No. 09/652,566, filed August 31, 2000, now U.S. Patent No. 6,447,213, which is a divisional of Application No. 09/248,435, filed February 11, 1999, now U.S. Patent No. 6,149,352, the contents of which are hereby incorporated herein by reference.

10 Field of the Invention

This invention relates generally to retaining wall blocks and retaining walls constructed from such blocks. In particular, this invention relates to a retaining wall block system that allows the construction of walls having a random natural appearance with varying block face sizes to create the
15 appearance of a natural stone wall.

Background of the Invention

Retaining walls are used in various landscaping projects and are available in a wide variety of styles. Numerous methods and materials exist for
20 the construction of retaining walls. Such methods include the use of natural stone, poured concrete, precast panels, masonry, and landscape timbers or railroad ties.

In recent years, segmental concrete retaining wall units, which are dry stacked (i.e., built without the use of mortar), have become widely accepted in
25 the construction of retaining walls. An example of such a unit is described in U.S. Patent No. Re 34,314, which issued to Forsberg (Forsberg '314). Such retaining wall units have gained popularity because they are mass produced and, consequently, relatively inexpensive. They are structurally sound, easy and relatively inexpensive to install, and couple the durability of concrete with
30 the attractiveness of various architectural finishes. The retaining wall system described in Forsberg '314 has been particularly successful because of its use of a block design that includes, among other design elements, a unique pinning